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| COMPLIANCE BOARD OPINION NO. 01-14 |
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July 10, 2001

Colonel Richard A. Romer, USAF (Retired)

The Open Meetings Compliance Board has considered your complaint that the Town Council of North Beach violated the Open Meetings Act by failing to provide proper notice of a public hearing, held on May 10, 2001, concerning the Town's next fiscal year's budget. For the reasons stated below, the Compliance Board finds that the Act was not violated.

I

Complaint and Response

Your complaint pointed out that on May 10, 2001, the Town Council of North Beach held a public hearing on the Town's proposed budget for fiscal year 2002. The complaint stated as follows: "A careful search of the local media and other means of notifying the citizens of North Beach failed to reveal any public notice, advertisement, or announcement of the Public Hearing as required by Maryland Law and the Charter of the Town of North Beach."

In a timely response on behalf of the Town, Mayor Mark Frazer stated that the May 10 meeting was advertised on April 25 and May 2, 2001 in the *Calvert Independent*, a weekly newspaper published in Calvert County. Mayor Frazer provided a copy of the advertisement and certification of its publication. In addition, the response stated that notice of the May 10 meeting "was posted in all of the usual places throughout the Town. These include Town Hall, Post Office and IGA Supermarket."

II

Discussion

The Open Meetings Act requires that notice be given of a meeting reasonably in advance of the session. §10-506(a) of the State Government Article. Notice may be given, among other means, "by posting or depositing the notice at a convenient public location at or near the place of the session ... or ... by any other reasonable method." §10-506(c)(3) and (4).

It is obvious that the Town of North Beach complied with these requirements in connection with the meeting on May 10. The newspaper advertisement, first published two weeks before the meeting, was a “reasonable method,” and, according to the Town’s response, notice was also posted at several “convenient locations.” Therefore, we find that the Act was not violated.

Two other matters warrant brief discussion. First, your complaint suggested that publication requirements for the budget hearing, as set forth in the Charter of North Beach, were not followed. The Compliance Board’s jurisdiction is limited to alleged violations of the Open Meetings Act. §10-502.5(a). Consequently, we make no finding regarding compliance with the Town Charter, although we note that the published advertisement was intended to meet the Town’s obligations under its Charter as well as under the Open Meetings Act.

Second, Mayor Frazer’s response characterized this complaint as part of a “campaign of harassment” and requested that the Compliance Board caution you “against making these frivolous allegations, which even the simplest of investigations reveals to be untrue.” Because the Open Meetings Act gives every citizen a right to file a complaint that a public body appears to have violated the Act, §10-502.5(a) and (b), we decline to admonish you or anyone else to refrain from filing complaints. The right to file a complaint should be exercised, however, only in the good-faith belief that the Act was indeed violated, based on a reasonable inquiry into the available facts.

OPEN MEETINGS COMPLIANCE BOARD

Walter Sondheim, Jr.
Courtney McKeldin
Tyler G. Webb